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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

RONALD GENGLER and CYNTHIA) Case No. 5:12-CV-01936 TJH SP
GENGLER,) Hon. Terry J. Hatter, Jr.
Plaintiffs,) Ctrm. 17—Spring Street
vs.)
NATIONSTAR MORTGAGE, LLC, et al.,) **Plaintiffs' Verified Motion To Excuse Late
Defendants.) Filing**
Date: January 7, 2013
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PLAINTIFFS' VERIFIED MOTION TO EXCUSE LATE FILING

1. On or about November 30, 2012, Plaintiffs' counsel received via ECF the Court's
Minute Order regarding Local Rule 3-2. Plaintiffs filed their response on December 5, 2012. An
ECF notification of Plaintiffs' response came through to Plaintiffs' counsel.

2. On December 3, 2012, Defendants filed their Motion To Dismiss.

3. Unfortunately, Plaintiffs did not receive a copy of the brief or notice that it had been
filed. The electronic mail service from the Court's ECF system regarding the Defendants' Motion
went to the junk or spam box for Plaintiffs' counsel. But, as explained below, Plaintiffs' counsel did
not realize this until January 2, 2013.

4. Having received ECF notification of Plaintiffs' response to the Court's minute order on December 5, 2012, Plaintiffs' counsel had no reason to suspect that Defendants' Motion To Dismiss had fallen into Plaintiffs' counsel's junk or spam e-mail files.

5. Plaintiffs' counsel has no explanation for how or why that happened because Plaintiffs' counsel did receive earlier and later filings in this case through ECF e-mail, specifically counsel received on January 2, 2013 through ECF the Court's Notice to Defendants that Defendants had not filed a certificate of interested persons along with Defendants' Motion to Dismiss.

6. Only then, on January 2, 2013, did Plaintiffs' counsel realize that Defendants had moved to dismiss the complaint. Immediately thereafter, Plaintiffs' counsel set about to draft Plaintiffs' opposition papers.

7. Plaintiffs filed their opposition brief the very next day, on January 3, 2013.

8. Defendants immediately filed their reply on January 4, 2013, showing that any late filing by Plaintiffs did not at all prejudice Defendants. In fact, Defendants do not argue that they have suffered prejudice.

9. This verified motion is signed by Plaintiffs' counsel under the penalty of perjury.

For these reasons, Plaintiffs pray the Court to excuse any late filing and consider Plaintiffs' opposition papers.

DATED: January 7, 2013

/s/Scott L. Adkins
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CERTIFICATE OF CONFERENCE

I, Scott L. Adkins, Esq., counsel for Plaintiffs certify that I tried to reach Defense counsel to confer about this motion, but was unable to do so on January 4, 5, and 6, 2013.

/s/ Scott L. Adkins

CERTIFICATE OF SERVICE

I, Scott L. Adkins, Esq., declare as follows under penalty of perjury:

I am over 18 years old and not a party to this action; my business address is: GORDON & DONER, P.A., 4114 Northlake Blvd., Palm Beach Gardens, FL 33410; I am employed in Palm Beach County, Florida.

On January 7, 2013, I served a copy of the following documents on the interested parties listed below as follows:

PLAINTIFFS' VERIFIED MOTION TO EXCUSE LATE FILING

Yaron Shaham ys@severson.com; Joe Tuffaha jht@severson.com;
Severson & Werson, P.C., 19100 Von Karman Avenue, Suite 700,
Irvine, CA 92612.

I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

Executed January 7, 2012 at Laguna Beach, California. I declare under penalty of perjury that the foregoing is true and correct.